

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

_____	:	
LARRY SCHUMACHER, a.k.a.	:	
LUCKY M. HARRIS,	:	Civil Action No. 05-4808 (JBS)
	:	
Plaintiff,	:	
	:	
v.	:	<b>O R D E R</b>
	:	
STATE OF NEW JERSEY CAPE MAY	:	
COUNTY, et al.,	:	
	:	
Defendants.	:	
_____	:	

The Court having considered Plaintiff's application to proceed in forma pauperis and file the complaint without prepayment of fees pursuant to 28 U.S.C. § 1915; and the Court having screened the complaint to determine whether dismissal is warranted pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A; and for the reasons set forth in this Court's Opinion issued this same day;

It is on this 31st day of October, 2005,

ORDERED that Plaintiff may proceed in forma pauperis without prepayment of the \$250.00 filing fee pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court is directed to file the complaint in the above-captioned action; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order by regular mail on the Attorney General for the State

of New Jersey, and on the warden of the Southern State Correctional Facility; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$250.00 and shall pay the entire filing fee in the manner set forth in this Order pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of the litigation; and it is further

ORDERED that in each month that the amount in Plaintiff's account exceeds \$10.00, until the \$250.00 filing fee is paid, the agency having custody of Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk of the Court payment equal to 20% of the preceding month's income credited to Plaintiff's account, pursuant to 28 U.S.C. § 1915(b)(2), and each payment shall reference the civil docket number of this action; and it is further

ORDERED that the claims against defendants Alvarez, Bakley, and Johnson are hereby dismissed, with prejudice, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(iii) and 1915A(b)(2); and it is further

ORDERED that the claims against defendant Eisenberg are hereby dismissed, with prejudice, for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and it is finally

ORDERED that the remaining defendants and claims in the instant complaint are hereby dismissed, without prejudice, for

failure to state a claim upon which relief may be granted,  
pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

**s/ Jerome B. Simandle**

JEROME B. SIMANDLE  
United States District Judge